

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VERNON H. STILWELL,

Defendant.

NO. CR04-117-JCC

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An evidentiary hearing on a Petition for Violation of Supervised Release and an initial hearing on Supplemental Violations were held before the undersigned Magistrate Judge on November 4, 2010. The United States was represented by Assistant United States Attorneys Tessa Gorman and the defendant by Catherine Ann Chaney.

The defendant had been charged and convicted of Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1). On or about April 15, 2005, defendant was sentenced by the Honorable John C. Coughenour, to a term of forty-six months in custody, to be followed by three years of supervised release. On February 5, 2010, the sentence was revoked and defendant was sentenced to four months in custody, to be followed by thirty-two months of supervised release.

1 The conditions of supervised release included the requirements that the defendant
2 comply with all local, state, and federal laws, and with the standard conditions. Special
3 conditions imposed included, but were not limited to, participation in substance abuse and
4 mental health programs, financial disclosure, search and RRC for up to 120 days.

5 In a Petition for Warrant or Summons for Offender Under Supervision dated October 7,
6 2010, U.S. Probation Officer Frances L. Davis asserted the following violations by defendant
7 of the conditions of his supervised release:

- 8 1. Failing to submit a written report to the U.S. Probation Office within the first
9 five days of October 2010, in violation of standard condition 2.
- 10 2. Failing to report for urinalysis testing on September 23, 24, 27, 2010, in
11 violation of the special condition directing him to comply with urinalysis
12 testing.
- 13 3. Failing to report for an office contact on September 28, 2010, and October 5,
14 2010, in violation of standard condition 3.

15 In a Supplemental Violation Report, dated October 22, 2010, U.S. Probation Officer
16 Francis L. Davis asserted the following violations by defendant of the conditions of his
17 supervised release:

- 18 4. Committing the offense of Furtively Carrying a Dangerous Weapon in Pacific,
19 Washington, on October 14, 2010, in violation of the standard condition that
20 he not commit another local, federal or state crime.
- 21 5. Committing the offense of Obstructing a Law Enforcement Officer in Pacific,
22 Washington on October 14, 2010, in violation of the standard condition that
23 he not commit another local, federal or state crime.
- 24 6. Committing the offense of two counts of false reporting in Pacific,
25 Washington on October 14, 2010, in violation of the standard condition that
26 he not commit another local, federal, or state crime.


7. Associating with Corrie Michelle Cleveland, a person engaged in criminal activity and a convicted felon without the permission of the U.S. Probation Officer, in violation of standard condition 9.

On October 15, 2010 defendant made his initial appearance on alleged violations 1, 2 and 3. The defendant was advised of the allegations and advised of his rights. On November 4, 2010, defendant appeared for an evidentiary hearing on alleged violations 1, 2 and 3, and made his initial appearance on supplemental violations 4, 5, 6 and 7. Defendant was advised of the alleged supplemental violations. Defendant admitted violations 1, 2 and 3, and denied alleged violations 4, 5, 6 and 7 and requested that an evidentiary hearing be set on the same day as a disposition hearing before the Honorable John C. Coughenour.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violations 1, 2 and 3, and that the Court conduct an evidentiary/disposition hearing on alleged violations 4, 5, 6, and 7. A disposition hearing on violations 1, 2 and 3 and an evidentiary/disposition hearing on alleged violations 4, 5, 6, and 7, has been set for April 19, 2011 at 9:00 a.m. before the Honorable John C. Coughenour.

Pending a final determination by the Court, the defendant has been released on bond to a residential reentry center, subject to supervision.

DATED this 4th day of November, 2010.



JAMES P. DONOHUE
United States Magistrate Judge

cc:	District Judge:	Honorable John C. Coughenour
	AUSA:	Tessa Gorman
	Defendant's attorney:	Catherine Ann Chaney
	Probation officer:	Frances L. Davis